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Attorneys for Defendant
NAVIO SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARSTAN ASSOCIATES, LTD., a New York
corporation,

Plaintiff,

v.

NAVIO SYSTEMS, INC., a Delaware
corporation; QUADREE EL-AMIN, individually
and d/b/a ON Q DIGITAL,

Defendants.

CASE NO.: C 05-02260 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO POSTPONE CASE
MANAGEMENT CONFERENCE
AND ALL CORRESPONDING
DEADLINES**

WHEREAS, Plaintiff Marstan Associates, Ltd. commenced this action on June 3, 2005, claiming that Defendants' allegedly unauthorized use of portions of *The Prayers of Pope John Paul II* was copyright infringement and unfair competition.

WHEREAS, Defendant Navio Systems, Inc. ("Navio") filed its answer to Plaintiff's complaint on July 6, 2005.

WHEREAS, after extensive efforts by Plaintiff to effectuate service on Defendant Quadree El-Amin, Defendant El-Amin was served with the complaint by substitute service on October 31, 2005. Per applicable rules, service will be deemed complete on November 11, 2005. Plaintiff and Defendant Navio do not believe that Defendant El-Amin has yet retained counsel to represent him in this matter.

WHEREAS, Defendant El-Amin's response to the complaint is currently due on December 1, 2005. Further, Defendant Navio intends to seek leave of court to serve cross claims for, among other things, breach of contract and indemnification against Defendant El-Amin. If leave is granted, Defendant Navio anticipates that Defendant El-Amin would respond to these cross claims at the earliest in approximately forty-five(45) to sixty (60) days.

WHEREAS, Plaintiff and Defendant Navio believe that the interests of fairness and judicial economy are served by postponing the Case Management Conference, meet and confer discussions and initial disclosures until the scope of claims are known and Defendant El-Amin has an opportunity to participate in such events through counsel.

WHEREAS, the parties are attempting to resolve the case through settlement and would like an opportunity to formally join Defendant El-Amin in such discussions.

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and Defendant Navio, through their undersigned counsel, that the Case Management Conference, currently scheduled for November 18, 2005 at 1:30 p.m., and all corresponding deadlines, are postponed for at least sixty (60) days. The Case Management Conference will be rescheduled at the Court's convenience for a date after January 15, 2006.

Dated: November 7, 2005

PHILLIPS, ERLEWINE & GIVEN LLP

By: /s/ Spencer C. Martinez
Spencer C. Martinez

Attorneys for Plaintiff
MARSTAN ASSOCIATES, LTD.

Dated: November 7, 2005

WILSON SONSINI GOODRICH & ROSATI

By: /s/ Tracy Tosh Lane
Tracy Tosh Lane

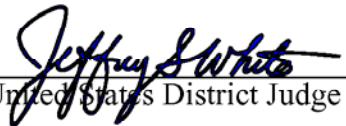
Attorneys for Defendant
NAVIO SYSTEMS, INC.

1 **ECF CERTIFICATION**

2 Pursuant to General Order No. 45, § X.B, the filing attorney attests that the content of this
3 document is acceptable to all attorneys for the parties required to sign this document.
4 The Court HEREBY ORDERS that the Case Management Conference is CONTINUED
5 from November 18, 2005 to January 20, 2006 at 1:30 p.m.

6 **IT IS SO ORDERED:**

7 Dated: November 9, 2005

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10 United States District Judge
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